

1926

## PREFATORY NOTE.

The act to amend and consolidate the acts respecting copyright, approved March 4, 1909, provides "That, subject to the approval of the Librarian of Congress, the Register of Copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this act" (sec. 53).

Under this authority of law, the following rules and regulations for the registration of claims to copyright have been prepared and put into force in the Copyright Office.

THORVALD SOLBERG,  
*Register of Copyrights.*

Approved:

HERBERT PUTNAM,  
*Librarian of Congress.*

# RULES AND REGULATIONS FOR THE REGISTRATION OF CLAIMS TO COPYRIGHT.

1. Copyright under the act of Congress entitled: "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909,<sup>1</sup> is ordinarily secured by printing and publishing a copyrightable work with a notice of claim in the form prescribed by the statute. Registration can be made *after* such publication, but the statute expressly provides, in certain cases, for registration of manuscript works.

Copyright under act of 1909.

## WHO MAY SECURE COPYRIGHT.

2. The persons entitled by the act to copyright protection for their works are:

Persons entitled to copyright

(1) The *author* of the work, if he is:

(a) A citizen of the United States, or

(b) An alien author domiciled in the United States at the time of the first publication of his work, or

(c) A citizen or subject of any country which grants either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens. The existence of reciprocal copyright conditions is determined by presidential proclamation.<sup>2</sup>

<sup>1</sup> Amendatory acts were approved August 24, 1912 (providing for the registration of motion pictures); March 2, 1913 (amending sec. 55, with regard to the certificate of registration); March 28, 1914 (amending sec. 12, to provide for deposit of only one copy in case of works of foreign authors published abroad in foreign languages), and December 18, 1919.

Amendatory copyright acts.

<sup>2</sup> Presidential copyright proclamations have been issued securing copyright privileges in the United States to the citizens or subjects of the following countries: Austria, Belgium, Chile, Costa Rica, Cuba, Denmark, France, Germany, Great Britain and the British possessions, Hungary, Italy, Luxemburg, Mexico, Netherlands (Holland) and possessions, Norway, Portugal, Spain, Sweden, Switzerland, and Tunis.

Copyright proclamations.

The commercial treaty with China of October 8, 1903, proclaimed by the President on January 13, 1904, contains Article XI relating to copyright. A copyright convention with Japan was signed at Tokyo November 10, 1905, and proclaimed in the United States on May 17, 1906. Two additional treaties with Japan, which

International copyright relations.

Proprietor.

(2) The *proprietor* of a work. The word "proprietor" is here used to indicate a person who derives his title to the work from the author. If the author of the work should be a person who could not himself claim the benefit of the copyright act, the proprietor can not claim it.<sup>3</sup>

Executors, etc.

(3) The *executors, administrators, or assigns* of the above-mentioned author or proprietor.

## REGISTRATION.

Copyright registration.

3. Promptly after the publication of any work entitled to copyright, the claimant of copyright should register his claim in the Copyright Office. An action for infringement of copyright can not be maintained in court until the provisions with respect to the deposit of copies and registration of such work shall have been complied with.

A certificate of registration is issued to the claimant and duplicates thereof may be obtained on payment of the statutory fee of 50 cents.

were signed at Washington May 19, 1908, and proclaimed August 11, 1908, deal with the protection of patents, trade-marks, and copyrights in China and Korea, respectively. The copyright convention with Hungary was signed at Budapest on January 30, 1912, and was proclaimed by the President on October 15, 1912.

The convention to protect literary and artistic property signed at Mexico on January 27, 1902, was proclaimed by the President on April 9, 1908, who announced the ratification of this treaty also by Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador. The Pan American Copyright Convention signed at Buenos Aires on August 11, 1910, was proclaimed on July 13, 1914, announcing its ratification also by the Dominican Republic, Ecuador, Guatemala, Honduras, Nicaragua, and Panama. Since that date announcement has been made of the adhesion to this convention of Bolivia, Brazil, Costa Rica, Haiti, Paraguay, and Uruguay.

Proclamations under section 1 (e).

Copyright proclamations under section 1 (e), "to secure copyright controlling the parts of instruments serving to reproduce mechanically musical works" have been issued in behalf of Australia (April 3, 1918), Austria (March 11, 1925), Belgium (June 14, 1911), Canada (December 27, 1923), Cuba (November 27, 1911), Denmark (December 9, 1920), France (May 24, 1918), Germany (December 8, 1910), Great Britain (January 1, 1915), Italy (May 1, 1915), Luxemburg (June 14, 1911), the Netherlands (February 26, 1923), New Zealand (December 1, 1916), Norway (June 14, 1911), Switzerland (November 22, 1924), the Union of South Africa (June 26, 1924), and Sweden (February 27, 1920). Protection under this section is also included in the copyright convention with Hungary, proclaimed on October 15, 1912.

<sup>3</sup> The copyright act provides that "the word 'author' shall include an employer in the case of works made for hire." (Section 62.)

## SUBJECT MATTER OF COPYRIGHT.

4. The act provides that no copyright shall subsist in the original text of any work published prior to July 1, 1909, which has not been already copyrighted in the United States, "or in any publication of the United States Government, or any reprint, in whole or in part, thereof" (sec. 7). Works subject to copyright.

Section 5 of the act names the thirteen classes of works for which copyright may be secured, as follows:

(a) *Books*.—This term includes "composite and cyclopædic works, directories, gazetteers, and other compilations," and, generally, all printed literary works (except dramatic compositions), whether published in the ordinary shape of a book or pamphlet, or printed as a leaflet, card, or single page. The term "book" as used in the law includes tabulated forms of information, frequently called charts; tables of figures showing the results of mathematical computations, such as logarithmic tables; interest, cost, and wage tables, etc., single poems, and the words of a song when printed and published without music; descriptions of motion pictures or spectacles; catalogues; circulars or folders containing information in the form of reading matter, and literary contributions to periodicals or newspapers. Books.

5. The term "book" can not be applied to—

Blank books for use in business or in carrying out any system of transacting affairs, such as record books, account books, memorandum books, blank diaries or journals, bank deposit and check books; forms of contracts or leases which do not contain original copyrightable matter; coupons; forms for use in commercial, legal, or financial transactions, which are wholly or partly blank and whose value lies in their usefulness.<sup>1</sup> Blank books, etc., not copyrightable.

6. (b) *Periodicals*.—This term includes newspapers, magazines, reviews, and serial publications appearing Periodicals.

<sup>1</sup> The United States courts which have jurisdiction in cases arising under the copyright laws have held that blank forms or blank books or similar articles for use in themselves are not subject to copyright, and hence are not registrable in this office. (See *Baker v. Selden*, 101 U. S. Reports, 99; *Everson v. the Librarian of Congress*, 26 Washington Law Reporter, Sept. 1, 1898, 546; *The Amberg File and Index Co. v. Shea Smith and Co.*, 82 Federal Reporter, 314; *Munson v. Mayor of New York*, 18 Blatchford's Reports, 237; and *Stover v. Lathrop*, 33 Federal Reporter, 348.)



oftener than once a year; bulletins or proceedings of societies, etc., which appear regularly at intervals of less than a year; and, generally, periodical publications which would be registered as second-class matter at the post office. Serial publications which are not clearly "periodicals" should be registered as *books* and the application for registration should be accompanied by the required affidavit.

Lectures, etc. 7. (c) *Lectures, sermons, addresses*, or similar productions, prepared for oral delivery.

Dramatic compositions, etc. 8. (d) *Dramatic and dramatico-musical compositions*, such as dramas, comedies, operas, operettas, and similar works.

The designation "dramatic composition" does not include the following: Dances, motion-picture shows; stage settings or mechanical devices by which dramatic effects are produced, or "stage business"; animal shows, sleight-of-hand performances, acrobatic or circus tricks of any kind; scenarios for, or descriptions of motion pictures or of settings for the production of motion pictures. (These, however, when printed and published, may be registrable as "books.")

Dramatico-musical compositions, etc. 9. *Dramatico-musical compositions* include principally operas, operettas, and musical comedies, or similar productions which are to be acted as well as sung.

Musical compositions. 10. (e) *Musical compositions*, including vocal and instrumental compositions, with or without words and separately published songs from operas and operettas, when not intended to be acted.

The words of a song printed alone should be registered as a "book," not as a "musical composition."

"Adaptations" and "arrangements" may be registered as "new works" under the provisions of section 6. Mere transpositions into different keys are not provided for in the copyright act.

Maps. 11. (f) *Maps*.—This term includes all cartographical works, such as terrestrial maps, plats, marine charts, star maps, but not diagrams, astrological charts, or landscapes.

Works of art. 12. (g) *Works of art and models or designs for works of art*.—This term includes all works belonging fairly to the so-called fine arts. (Paintings, drawings, and sculpture.)

Designs for manufactured articles. The protection of productions of the industrial arts utilitarian in purpose and character even if artistically made or ornamented depends upon action under the patent law; but registration in the Copyright Office has

been made to protect artistic drawings notwithstanding they may afterwards be utilized for articles of manufacture.

Toys, games, dolls, advertising novelties, instruments <sup>etc.</sup> Toys, games, or tools of any kind, glassware, embroideries, garments, laces, woven fabrics, or similar articles, are examples. The exclusive right to make and sell such articles should not be sought by copyright registration.

13. *(h) Reproductions of works of art.*—This term refers <sup>Reproductions of works of art.</sup> to such reproductions (engravings, woodcuts, etchings, casts, etc.) as contain in themselves an artistic element distinct from that of the original work of art which has been reproduced.

14. *(i) Drawings or plastic works of a scientific or technical character.*—This term includes diagrams or models <sup>Drawings or plastic works.</sup> illustrating scientific or technical works, architects' plans, designs for engineering work, relief maps, etc.

15. *(j) Photographs.*—This term covers all photographic prints, but not half tones or other photo-engravings. <sup>Photographs.</sup>

16. *(k) Prints and pictorial illustrations.*—This term <sup>Prints and pictorial illustrations.</sup> comprises printed pictures, such as lithographs, photo-engravings, etc.

17. *(l) Motion-picture photoplays.*

18. *(m) Motion pictures other than photoplays.*

Postal cards can not be copyrighted as such. The pictures thereon may be registered as "prints or pictorial illustrations" or as "photographs." Text matter on a postal card may be of such a character that it may be registered as a "book." <sup>Postal cards.</sup>

Trade-marks can not be registered in the Copyright Office. Application should be made to the Commissioner of Patents. <sup>Trade marks.</sup>

Labels and prints for articles of manufacture are required by the Act of June 18, 1874, to be registered for copyright in the Patent Office. The Copyright Office will register a claim of copyright in a pictorial drawing to protect such drawing; but if it is used for a label or print, the label or print should be registered at the Patent Office. <sup>Labels and prints.</sup>

#### HOW TO SECURE REGISTRATION.

19. Copyright registration may be secured for:

(1) Unpublished works.

(2) Published works.

<sup>Registrable works.</sup>

## UNPUBLISHED WORKS.

Unpublished works.

*Unpublished works* are such as have not at the time of registration been printed or reproduced in copies for sale or been publicly distributed. They include only the works enumerated in section 11: Lectures, sermons, addresses, or similar productions for oral delivery; dramatic, musical and dramatico-musical compositions; photographs; works of art (paintings, drawings, and sculptures); plastic works; motion-picture photoplays; and motion pictures other than photoplays.

Registration of unpublished works.

In order to secure copyright in such unpublished works, the following steps are necessary:

Clean and legible copy.

20. (1) In the case of lectures, sermons, addresses, and dramatic, musical, and dramatico-musical compositions, deposit one complete copy of the work.

This copy (which may be written or typewritten) should be in convenient form, clean and legible, the leaves securely fastened together, and should bear the title of the work corresponding to that given in the application.

Complete work.

The entire work in each case should be deposited. It is not sufficient to deposit a mere outline or epitome, or, in the case of a play, a mere scenario, or a scenario with the synopsis of the dialogue.

Unpublished photograph.

21. (2) In the case of unpublished photographs, deposit one copy of the work. (Photo-engravings or photogravures are not photographs within the meaning of this provision.)

Photograph of work of art.

22. (3) In the case of works of art, models or designs for works of art, or drawings or plastic works of a scientific or technical character, deposit a photograph or other identifying reproduction.

Motion pictures.

(4) In the case of motion-picture photoplays, deposit a title and description, with one print taken from each scene or act.

(5) In the case of motion pictures other than photoplays, deposit a title and description, with not less than two prints taken from different sections of the complete motion picture.

Claim of copyright.

In each case the deposited article must be accompanied by a claim of copyright (an application for registration) and a money order for the amount of the statutory fee.

Reproduction of unpublished work.

23. Any work which has been registered under section 11, if published, *i. e.*, reproduced in copies for sale or distribution, must be deposited a second time (accom-



panied by an application for registration and the statutory fee) in the same manner as is required in the case of works published in the first place.

#### PUBLISHED WORKS.

##### DEPOSIT OF COPIES.

24. Promptly after first publication of the work with the copyright notice inscribed, two *complete* copies of the best edition of the work then published must be sent to the Copyright Office, with a proper application for registration correctly filled out and a money order for the amount of the legal fee.<sup>1</sup> Deposit of copies.

The statute requires that the deposit of the copyright work shall be made "promptly," which has been defined as "without unnecessary delay." It is not essential, however, that the deposit be made on the very day of publication. Required to be made promptly.

25. Published works are such as are printed or otherwise produced and "placed on sale, sold, or publicly distributed." Works intended for sale or general distribution should first be printed with the statutory form of copyright notice inscribed on every copy published or offered for sale in the United States. Definition of "published work."

The following works can not be registered until after they have been published: Books, periodicals, maps, prints and pictorial illustrations. Registered only after publication.

##### NOTICE OF COPYRIGHT.

26. The ordinary form of copyright notice for books, periodicals, dramatic and musical compositions is "Copyright, 19— (the year of publication), by A. B. (the name of the claimant)." The name of the claimant printed in the notice should be the real name of a living person, or his trade name if he always uses one (but not a pseudonym or pen name), or the name of the firm or corporation claiming to own the copyright. Form of notice.

27. In the case of maps, photographs, reproductions of works of art, prints or pictorial illustrations, works of art, models or designs for works of art, and plastic works of a scientific or technical character, the notice may consist of the letter C, inclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor. But in such cases the Short form of notice.

<sup>1</sup> Since March 28, 1914, one copy of work by foreign author. See note, page 20.

name itself of the copyright proprietor must appear on some accessible portion of the work, or on the mount of the picture or map, or on the margin, back, or permanent base or pedestal of the work.

Notice upon  
each copy.

28. The prescribed notice must be affixed to each copy of the work published or offered for sale in the United States. But no notice is required in the case of foreign books printed abroad seeking *ad interim* protection in the United States, as provided in section 21 of the copyright act.

#### AMERICAN MANUFACTURE OF COPYRIGHT BOOKS.

Works pro-  
duced in United  
States.

29. The following works must be manufactured in the United States in order to secure copyright:

Books.

(a) All "books" in the English language and books in any language by a citizen or domiciled resident of the United States must be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text of such books be produced by lithographic process or photo-engraving process, then by a process wholly performed within the limits of the United States; and the printing of the text and binding of the book must be performed within the limits of the United States.

Illustrations.

(b) All *illustrations* within a book produced by lithographic process or photo-engraving process and all *separate lithographs* or *photo-engravings* must be produced by lithographic or photo-engraving process wholly performed within the limits of the United States, except when the subjects represented in such illustrations in a book or such separate lithographs or photo-engravings "are located in a foreign country and illustrate a scientific work or reproduce a work of art."

Books by for-  
eign authors.

30. Books by foreign authors in any language other than English are not required to be printed in the United States.

Books printed  
abroad.

In the case of books printed abroad in the English language an *ad interim* term of copyright of four months from registration made in the Copyright Office within sixty days after publication abroad may be secured; but in order to extend the copyright to the full term of protection, an edition of the work must be PUBLISHED in

the United States within the four months *ad interim* term, printed or produced within the limits of the United States as required in section 15 of the copyright act.

#### APPLICATION FOR REGISTRATION.

31. The application for copyright registration required Application for registration. to be sent with each work must state the following facts:

(1) The *name*, nationality, and exact address of the claimant of copyright.

(2) The name of the country of which the author of the work is a citizen or subject.

(3) The *title* of the work.

(4) The name and address of person to whom certificate is to be sent.

(5) In the case of works reproduced in copies for sale or publicly distributed, the actual date (year, month, and day) when the work was published.

32. In addition, it is desirable that the application Name of author. should state for record the name of the author. If, however, the work is published anonymously or under a pseudonym and it is not desired to place on record the real name of the author, this may be omitted. By the nationality of the author is meant citizenship, not race; Nationality of author. a person naturalized in the United States should be described as a citizen. An author, a citizen of a foreign country having no copyright relations with the United States, may only secure copyright in this country, if at the time of publication of his work he is domiciled in the United States. Alien author domiciled in U.S. The fact of such domicile in the United States should be expressly stated in the application, including a statement of this place of domicile. Care should be taken that the title of the work, the name of the author, and the name of the copyright claimant should be correctly stated in the application, and that they should agree exactly with the same statements made in the work itself.

#### APPLICATION FORMS.

33. The Copyright Office has issued the following application forms, which will be furnished on request, and should be used when applying for copyright registration: Application forms.

A1. New book printed and published for the first time Book. in the United States; also United States edition of English book.

A2. Book reprinted in the United States with new copyright matter.

A3. Book by foreign author in foreign language.

A4. Ad interim copyright for book published abroad in the English language.

A5. Contribution to a newspaper or periodical.

A6. Book now republished in the United States.

Periodical. B1. Periodical. For registration of single issue.

B2. Periodical. For use with trust fund.

Lecture. C. Lecture, sermon, or address.

Dramatic composition. D1. Published dramatic composition.

D2. Dramatic composition not reproduced for sale.

D3. Published dramatico-musical composition.

D4. Unpublished dramatico-musical composition.

E. New musical composition published for the first time.

Musical composition. E1. Musical composition republished with new copyright matter.

E2. Musical composition not reproduced for sale.

Map. F. Published map.

Work of art. G. Work of art (painting, drawing, or sculpture); or model or design for a work of art.

Drawing. I1. Published drawing or plastic work of a scientific or technical character.

I2. Unpublished drawing or plastic work of a scientific or technical character.

Photograph. J1. Photograph published for sale.

J2. Photograph not reproduced for sale.

K. Print or pictorial illustration.

Motion picture. L1. Motion-picture photoplay reproduced for sale.

L2. Motion-picture photoplay not reproduced for sale.

M1. Motion picture, not a photoplay, reproduced for sale.

M2. Motion picture, not a photoplay, not reproduced for sale.

Renewal. R1. Renewal of a copyright for 28 years.

R2. Extension of a renewal copyright for 14 years.

Notice of use. U. Notice of use of music on mechanical instruments.

#### AFFIDAVIT OF MANUFACTURE.

Affidavit for book. 34. In the case of books by American authors and all books in the English language the application must be accompanied by an affidavit, showing the following facts:

(1) That the copies deposited have been printed from type set within the limits of the United States; or from plates made within the limits of the United States from



type set therein; or if the text be produced by lithographic process or photo-engraving process, that such process was wholly performed within the limits of the United States, stating, in either case, the place and the establishment where such work was done.

(2) That the printing of the text has been performed within the limits of the United States, showing the place and the name of the establishment doing the work.

(3) That the binding of such book (if bound) has been performed within the limits of the United States, showing the place and the name of the establishment where the work was done.

(4) That the completion of the printing of said book was on a stated day, or that the book was published on a given date.

Section 62 of the copyright act defines the date of publication (in the case of a work of which copies are reproduced for sale or distribution) as "the earliest date when copies of the first authorized edition *were placed on sale, sold, or publicly distributed* by the proprietor of the copyright or under his authority." Date of publication.

35. The affidavit may be made before any officer authorized to administer oaths within the United States who can affix his official seal to the instrument. Affidavit must be under seal.

The affiant and the officer administering the oath for such affidavit are specially requested to make sure that the instrument is properly executed, so as to avoid the delay of having it returned for amendment. Experience shows that among the common errors made by applicants are the following: Errors by applicants.

Failure to write in the "venue"—that is, the name of the county and State—and to make sure that the notary's statement agrees. Omission of venue.

Reciting a corporation or partnership as affiant. Oaths can be made only by individuals. Corporation.

Failure to state in what capacity the affiant makes the oath, whether as claimant, agent of the claimant, or printer. Where a corporation or firm is the claimant, the affiant should swear as agent. Claimant or agent.

Failure to state the *exact date* of publication or completion of printing. The month alone is insufficient. Date of publication.

Failure to sign the affidavit. The signature should correspond exactly with the name of the affiant stated at the beginning. Corporation or firm names must not appear in this place. Signature of affiant.



**Notary's signature.** Failure to obtain signature of the notary after swearing to the contents.

**Seal.** Failure to obtain the seal of the notary.

Swearing before an officer not authorized to act in the place stated in the venue, or an officer who has no official seal.

**Variances.** Variance between names and dates as stated in the affidavit and the application.

An affidavit which states the date of publication must never be made *before* publication has taken place.

**By whom affidavit may be made.** 36. The affidavit may be made by: (1) The person claiming the copyright; or (2) his duly authorized agent or representative residing in the United States; or (3) the printer who has printed the book.

The person making the affidavit should state in which of the above-mentioned capacities he does so.

**Book in foreign language.** 37. In the case of a foreign author applying for a book in a language other than English, no affidavit is required, as such books are not subject to the manufacturing clause.

**Foreign book in English language.** In the case of a foreign author applying for a book in the English language, the same affidavit must be made as in that of an American author, except where a book is deposited for *ad interim* protection under section 21. In such cases the affidavit must be filed when the *ad interim* copyright is sought to be extended to the full term by the publication of an edition printed in the United States.

The affidavit is only required for BOOKS.

#### PERIODICALS (FORM B).

**Periodicals.** 38. Application should be made in the same manner as for books, depositing two copies, but no affidavit is required.

**Registration for each number.** Separate registration is necessary for *each number* of the periodical published with a notice of copyright, and can only be made *after publication*. It is not possible to register the title of the periodical in advance of publication.

#### CONTRIBUTIONS TO PERIODICALS (FORM A5).

**Contributions to periodicals.** 39. If special registration is requested for any contribution to a periodical, *one complete copy* of the number of the periodical in which the contribution appears should be deposited promptly after publication.

The entire copy should be sent; sending a mere clipping or page containing the contribution does not comply with the statute. Complete copy.

The date of publication of a periodical is not necessarily the date stated on the title-page. The application should state the day on which the issue is "first placed on sale, sold, or publicly distributed," which may be earlier or later than the date printed on the title-page. Date of publication.

#### AD INTERIM APPLICATIONS (FORM A4).

40. Where a book in the English language has been printed abroad, an *ad interim* copyright may be secured by depositing in the Copyright Office one complete copy of the foreign edition, with an application containing a request for the reservation and a money order for \$1. Such applications should state: (1) Name and nationality of the author; (2) Name, nationality, and address of the copyright claimant; (3) Exact date of original publication abroad. Ad interim copyright.

The deposit of the work must be made not later than sixty days after its publication abroad. Whenever, within the four months' period of *ad interim* protection, an authorized edition manufactured in the United States has been published and two copies have thereafter been promptly deposited, the copyright claim therein may be registered the same as any other book (Form A1). Deposit of work.

#### MAILING APPLICATIONS AND COPIES.

41. All deposits and other material intended for the Copyright Office should be addressed to the "Register of Copyrights, Library of Congress, Washington, D. C." Letters dealing with copyright matters should not be addressed to clerks or individuals in the Copyright Office. Address of mail matter.

The copies of works sent to be registered for copyright may be mailed to the Copyright Office free (under sec. 14 of the copyright law) if directly delivered for that purpose to the postmaster, who will attach his frank label to the parcel. The Copyright Office can not furnish franking labels. Free mailing of copies.

The money order (or other remittance) to pay the statutory registration fee is not entitled to free postal transmission according to the ruling of the Post Office Postage required for fee.

**Department.** This with the application should therefore be forwarded in an envelope, to which letter postage has been affixed, addressed to the Register of Copyrights.

### FEEs.

**Copyright fee.** 42. The fee required to be paid for copyright registration is \$1, except that in case of photographs it is only 50 cents when no certificate of registration is desired.

**Remittances.** All remittances to the Copyright Office should be sent by money order or bank draft. Postage stamps should not be sent for fees or postage. Checks can not be accepted unless certified. Coin or currency inclosed in letter or packages if sent will be at the remitter's risk.

**Trust fund deposit.** Publishers may for their own convenience deposit in the Copyright Office a sum of money in advance against which each registration will be charged.

### ASSIGNMENTS OF COPYRIGHT.

**Assignments of copyright.** 43. When a copyright has been assigned the instrument in writing signed by the proprietor of the copyright may be filed in this office for record within six calendar months after its execution without the limits of the United States or three calendar months within the United States.

**Return of assignment.** After having been recorded the original assignment will be returned to the sender with a sealed certificate of record attached. The assignment will be returned by registered mail, if the post-office registration fee (10 cents) is sent for that purpose.

**Fee for recording assignment.** 44. The fee for recording and certifying an assignment is \$1 up to 300 words; \$2 from 300 to 1,000 words; and another dollar for each additional thousand words or fraction thereof over 300 words.

**Name of assignee in claim.** 45. After the assignment has been duly recorded, the assignee may substitute his name for that of the assignor in the copyright notice on the work assigned. Such substitution or transfer of ownership will be indexed in this office upon request at a cost of 10 cents for each work assigned.

### NOTICE OF USER OF MUSICAL COMPOSITIONS.

**Notice of user of music.** 46. Whenever the owner of the copyright in a musical composition uses such music upon the parts of instru-

ments serving to reproduce it mechanically himself or permits anyone else to do so, he must send a notice of such use by himself or by any other person to the Copyright Office to be recorded.<sup>1</sup>

47. Whenever any person in the absence of a license intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce the same mechanically, the act requires that he shall serve notice of such intention upon the copyright proprietor and must also send a duplicate of such notice to the Copyright Office.

Notice in absence of license.

#### APPLICATION FOR THE RENEWAL OF SUBSISTING COPYRIGHTS.

48. Application for the renewal of a subsisting copyright may be filed within one year prior to the expiration of the existing term by:

Renewals.

(1) The author of the work if still living;

Author.

(2) The widow, widower, or children of the author if the author is not living;

Widow or children.

(3) The author's executor, if such author, widow, widower, or children be not living;

Executor.

(4) If the author, widow, widower, and children are all dead, and the author left no will, then the next of kin.

Next of kin.

49. If the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor is entitled to the privilege of renewal and extension.

Renewal for composite work.

50. The fee for the recording of the renewal claim is 50 cents. Application for the renewal or extension of copyright can not be recorded in the name of an assignee nor in that of any person not expressly mentioned in section 24 of the act.

Renewal fee.

#### SEARCHES.

51. Upon application to the Register of Copyrights search of the records, indexes, or deposits will be made for such information as they may contain relative to copyright claims. Persons desiring searches to be made

Searches.

<sup>1</sup> Numerous presidential proclamations have been issued under section 1 (e), securing "copyright controlling the parts of instruments serving to reproduce mechanically the musical work." For list of countries, see footnote on page 6.



should state clearly the nature of the work, its title, the name of the claimant of copyright and probable date of entry; in the case of an assignment, the name of the assignor or assignee, or both, and the name of the copyright claimant and the title of the music referred to in case of notice of user.<sup>1</sup>

The statutory fee for searches is 50 cents for each full hour of time consumed in making such search.

Search fee.

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<sup>1</sup> NOTE.—The law provides as follows: "That the record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress." (Sec. 58, act of Mar. 4, 1909.)

#### DEPOSIT OF ONE COPY OF FOREIGN BOOK.

NOTE TO PAGE 11.—By the act of March 28, 1914, only one copy is required to be deposited "if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country."



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